

House Bill 517

By: Representatives Tumlin of the 38th, Shaw of the 176th, Freeman of the 140th, Jerguson of the 22nd, and Williams of the 4th

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 27 of Title 50 of the Official Code of Georgia Annotated, relating to lottery for education, so as to permit the Georgia Lottery Corporation to obtain national criminal history background data on any applicant for employment and on any vendors and retailers; to provide for definitions; to provide for the establishment of a method of obtaining criminal history background checks; to provide for rules and regulations; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 27 of Title 50 of the Official Code of Georgia Annotated, relating to lottery for education, is amended by revising Code Section 50-27-12, relating to employees, compensation, restrictions, background investigations, and bonding, as follows:

"50-27-12.

(a) The corporation shall establish and maintain a personnel program for its employees and fix the compensation and terms of compensation of its employees, including, but not limited to, production incentive payments.

(b) No employee of the corporation shall have a financial interest in any vendor doing business or proposing to do business with the corporation.

(c) No employee of the corporation with decision-making authority shall participate in any decision involving a retailer with whom the employee has a financial interest.

(d) No employee of the corporation who leaves the employment of the corporation may represent any vendor or lottery retailer before the corporation for a period of two years following termination of employment with the corporation.

(e) A background ~~Background~~ investigation shall be conducted on each applicant, as such term is defined in Code Section 50-27-12.1, ~~who has reached the final selection process prior to employment by the corporation at the level of division director and above and at any level within any division of security and as otherwise required by the board.~~ The

1 corporation shall be authorized to pay for the actual cost of such investigations which shall
2 be conducted pursuant to Code Section 50-27-14.1 ~~and may contract with the Georgia~~
3 ~~Bureau of Investigation for the performance of such investigations.~~ The results of such a
4 background investigation shall not be considered a record open to the public pursuant to
5 Article 4 of Chapter 18 of this title.

6 (f) No person who has been convicted of a felony or bookmaking or other forms of illegal
7 gambling or of a crime involving moral turpitude shall be employed by the corporation.

8 (g) The corporation shall bond corporation employees with access to corporation funds or
9 lottery revenue in such an amount as provided by the board and may bond other employees
10 as deemed necessary."

11 SECTION 2.

12 Said chapter is further amended by adding a new Code section to read as follows:

13 "50-27-12.1.

14 (a) It is the purpose of this Code section to authorize the corporation to obtain national
15 criminal history background check information on individuals doing business with, or
16 being employed by the corporation.

17 (b) As used in this Code section, the term:

18 (1) 'Applicant' means a person who:

19 (A) Seeks to be employed by the corporation; or

20 (B) Seeks approval by the corporation of a contract to become either a retailer or a
21 vendor.

22 (2) 'Criminal background check' means any check of state or national criminal history
23 files performed pursuant to this Code section.

24 (3) 'FBI' means the Federal Bureau of Investigation.

25 (4) 'GCIC' means the Georgia Crime Information Center established under Article 2 of
26 Chapter 3 of Title 35.

27 (5) 'GCIC information' means criminal history record information as defined in Code
28 Section 35-3-30.

29 (6) 'National criminal history background check' means a fingerprint based check of state
30 and national criminal history files based on submission of a set of classifiable fingerprints
31 and records fee.

32 (7) 'Records check application' means two sets of classifiable fingerprints and a records
33 search fee to be established by the department by rule and regulation, payable in such
34 form as the corporation may direct to cover the cost of obtaining criminal background
35 information pursuant this Code section.

1 (c)(1) In order to determine each applicant's qualifications and eligibility in accordance
2 with the standards set forth in this chapter, the corporation shall require each applicant
3 to submit a records check application. The corporation shall establish a uniform method
4 of obtaining an applicant's records check application.

5 (2)(A) Unless the corporation contracts pursuant to subparagraph (B) of this paragraph,
6 the corporation shall transmit to the GCIC both sets of fingerprints and the records search
7 fee from each fingerprint records check application. Upon receipt thereof, the GCIC shall
8 promptly transmit one set of fingerprints to the FBI for a search of its records and an
9 appropriate report and shall retain the other set and promptly conduct a search of its
10 records and records to which it has access. Within ten days after receiving fingerprints
11 acceptable to the GCIC and the fee, the GCIC shall notify the corporation in writing of
12 any criminal record or if there is no such finding. After a search of the FBI's records and
13 fingerprints and upon receipt of the FBI's report, the corporation shall make a
14 determination about an applicant's criminal record and shall notify the owner in writing
15 as to the corporation's determination as to whether the owner has or does not have a
16 criminal record of such a nature that bears upon the applicant's qualifications and
17 eligibility to do business with, or to be employed by, the corporation in accordance with
18 the standards set forth in this chapter.

19 (B) The corporation may either perform criminal background checks under agreement
20 with the GCIC or contract with the GCIC and appropriate law enforcement agencies
21 which have access to GCIC and FBI information to have those agencies perform for the
22 department criminal background checks for the corporation. The corporation or the
23 appropriate law enforcement agencies may charge reasonable fees for performing
24 criminal background checks.

25 (3) The information obtained from the criminal background check pursuant to this Code
26 section shall only be used by the corporation to determine the applicant's qualifications
27 and eligibility in accordance with the standards set forth in this chapter.

28 (4) The corporation shall notify the applicant of his, her, or its right to challenge the
29 accuracy and completeness of any information contained in the national criminal history
30 background check.

31 (5) Neither the GCIC, the corporation, any law enforcement agency, nor the employees
32 of any such entities shall be responsible for the accuracy of information contained in the
33 criminal background check nor have any liability for defamation, invasion of privacy,
34 negligence, or any other claim in connection with any dissemination of information or
35 determination based thereon pursuant to this Code section.

36 (d) All information received from the FBI or the GCIC shall be for the exclusive purpose
37 of determining the qualifications and eligibility of applicants pursuant to this chapter and

1 shall not be released or otherwise disclosed to any other person or agency except to any
2 person or agency with a legal right to inspect the facility. Any such information received
3 by the corporation shall be confidential information which is exempt from public disclosure
4 or public inspection pursuant to Code Section 50-27-25 and Article 4 of Chapter 18 of this
5 title. All such information collected by the corporation shall be maintained by the
6 corporation pursuant to laws regarding and the rules or regulations of the FBI and the
7 GCIC, as is applicable. Penalties for the unauthorized release or disclosure of any such
8 information shall be as prescribed pursuant to laws regarding and rules or regulations of
9 the FBI and the GCIC, as is applicable.

10 (e) The corporation shall promulgate written rules and regulations to implement the
11 provisions of this Code section."

12 **SECTION 2.**

13 This Act shall become effective upon its approval by the Governor or upon its becoming law
14 without such approval.

15 **SECTION 3.**

16 All laws and parts of laws in conflict with this Act are repealed.